



Fox Rothschild LLP
ATTORNEYS AT LAW

Citizens Bank Center, Suite 1300
919 North Market Street
P.O. Box 2323
Wilmington, DE 19899-2323
Tel 302.654.7444 Fax 302.656.8920
www.foxrothschild.com

Daniel K. Astin
Direct Dial: (302) 622-4212
Email Address: dastin@foxrothschild.com

March 3, 2008

The Honorable Sue L. Robinson
J. Caleb Boggs Federal Building
844 N. King Street
Room 6124
Lockbox 31
Wilmington, DE 19801

Re: Positive Software Solutions, Inc. ("PSSI") v. New Century TRS Holdings, Inc., *et al*
Civil Action No. 07-559 (the "Appeal")

Dear Judge Robinson:

Fox Rothschild LLC serves as Delaware counsel for PSSI in the Appeal, in which PSSI has appealed an order (the "Order") of Judge Kevin Carey entered in the jointly administered bankruptcy case styled and referenced as *In re New Century TRS Holdings, Inc., et al, Debtors*, Case No. 07-10416 (the "Bankruptcy Case").

In accordance with the District Court's Local Rules, the parties participated in mediation conducted by the appointed mediator, David B. Stratton, of the claims and issues on appeal, as well as other claims between them.

On February 1, 2008, Mr. Stratton filed and served his Mediator's Final Report, indicating that the parties were unable to reach settlement. After Mr. Stratton filed his report, the parties *were* able to agree on settlement terms and have actually entered into a written settlement agreement embodying those terms (the "Agreement"). The Agreement provides, among other things, that the parties will jointly seek to have the Order vacated or withdrawn. In accordance with the Bankruptcy Code and the Federal Rules of Bankruptcy Procedure, New Century has filed a motion in the Bankruptcy Case requesting that Judge Carey approve the Agreement (the "Settlement Motion"). The Settlement Motion is scheduled for hearing on March 5, 2008.



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The deadline by which PSSI is to file its opening brief is tomorrow, March 4, 2008. To preserve party resources and to permit the parties to implement the terms of the Agreement without distraction, PSSI requests that the current briefing schedule deadlines be continued for thirty days. Counsel for New Century has indicated in conference that New Century does not oppose the requested continuance.

Please advise me if this Court has any opposition to continuing the current briefing deadlines as requested or has any concerns or questions that it wishes to have PSSI address.

Respectfully yours,

Daniel K. Astin, Esq.

cc: Russell C. Silberglie, Esq.
David B. Stratton, Esq.
Mark H. Ralston, Esq.